

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BRIAN MCBRIDE

DEBORAH BLISSICK

HUSBAND AND WIFE

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

NJ PEN, A NEW JERSEY SOLE MEMBER LIMITED LIABILITY COMPANY

GOOGLE, LLC, A CALIFORNIA COMPANY

COMPLAINT

Jury Trial: ☐ Yes ☒ No

(check one)

RECEIVED

APR 11 2023

AT 8:30 _____ M
CLERK, U.S. DISTRICT COURT - DNJ

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff	Name	<u>BRIAN MCBRIDE AND DEBORAH BLISSICK HUSBAND AND WIFE</u>
	Street Address	<u>15 SEAGARDEN DRIVE</u>
	County, City	<u>LINWOOD, ATLANTIC COUNTY</u>
	State & Zip Code	<u>NEW JERSEY 08221</u>
	Telephone Number	<u>(312) 672-2794</u>

- B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name NJ PEN, A NEW JERSEY LIMITED LIABILITY COMPANY
 Street Address 103 W Merchant St, Apt 2,
 County, City Audubon, Camden County
 State & Zip Code NJ, 08106-1423

Defendant No. 2 Name GOOGLE, LLC
 Street Address 1600 Amphitheatre Parkway
 County, City MOUNTAIN VIEW
 State & Zip Code CA 94043

Defendant No. 3 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

Defendant No. 4 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. There are four types of cases that can be heard in federal court: 1) Federal Question - Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case; 2) Diversity of Citizenship - Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case; 3) U.S. Government Plaintiff; and 4) U.S. Government Defendant.

- A. What is the basis for federal court jurisdiction? (*check all that apply*)

☒ Federal Questions ☒ Diversity of Citizenship
☐ U.S. Government Plaintiff ☐ U.S. Government Defendant

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? The defendants NJPen & Google violated and are violating Plaintiffs rights under the DIGITAL MILLENIUM COPYRIGHT ACT 17 USC 512 et seq. AND/OR 17 USC 1201 et seq.

Plaintiffs are suing Defendants NJPen for fraud and negligent misrepresentation.

Plaintiffs are suing Defendants NJPen for libel.

Plaintiffs are suing Defendants NJPen afor an *intimidation* claim under the New Jersey Civil Rights Act.

Plaintiffs are suing Defendants NJPen for civil conspiracy for Defendants' actions with non-party Christopher Ward.

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship NEW JERSEY

Defendant(s) state(s) of citizenship NEW JERSEY AS TO Defendants NJPen. Upon information and belief, Google, LLC is a California company

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? _____

The events giving rise to the claim occurred in and around Defendant's residence/offices in Audubon, Camden County and over the Internet.

B. What date and approximate time did the events giving rise to your claim(s) occur? _____

This claim began on August 6, 2020 and is on going.

C. Facts:

1. Plaintiff attended a science league meeting at Plaintiff's high school in Washington Township 2015.
2. Deborah Blissick, then fiancée to Brian McBride, took pictures of Plaintiff Brian McBride and gave him copyright (Ex. A)
3. Plaintiff gave permission to the Washington Township School District to use the images on their Internet site.
4. Plaintiff did not transfer copyright of the images to Washington Township School District (WTSD)
5. On August 3, 2020 there was a fight between McBride and a Paris D. Young of Philadelphia that occurred in Collingswood, NJ.
6. Matthew Skoufalos, owner of NJPen, is a personal friend of non-party Paris D. Young.
7. On August 6, 2020, Defendant NJPen by and through Skoufalos downloaded a copy of an image of Plaintiff McBride from WTSD's Internet site.
8. **The New Jersey Open Public Records Acts (NJSA 47:1A-1) prohibits government records that are copyrighted from being reproduced).**
9. Defendants NJPen then used this image to create a tabloid gossip style story about the August 3, 2020 incident.
10. Defendants NJPen published the copyrighted image to NJPen.com on August 6, 2020
11. Plaintiff did not transfer copyright or otherwise grant permission to the Defendants NJPen & Skoufalos.
12. Defendants NJPen negligently misrepresented that Brian McBride owned Deborah Blissick's business.
13. Defendants NJPen failed to update the story that Plaintiff was acquitted of assault charges that Skoufalos is friends with Young.
14. Defendants NJPen reaped financial gain from the unlawful use of the images and negligent misrepresentation.
15. Defendants NJPen *admitted* taking the picture from Washington Township School District internet site. (ex. A and B)
16. The Defendant NJPen is a "one-man band" lacking the editorial controls of a daily newspaper or adherence to codes of ethics for journalists. A code of ethics or financial conflicts of interest appear nowhere on the NJPen.com site.
17. Skoufalos advertises himself as the writer and editor of Defendant NJPen.
18. Defendant NJPen's intent in creating the August 6, 2020 story was to generate traffic (visits to NJPen.com) and earn revenue from subscribers through the use of negligent misrepresentations about the Plaintiffs. (i.e. Defendant misused Plaintiffs ask his click bait)
19. Defendant NJPen's intent in creating the false August 6, 2020 story was to retaliate against Blissick for not advertising on NJPen.com
20. Defendant NJPen's intent in creating the false August 6, 2020 story was to chill the public participation of the Plaintiffs who complained that Skoufalos and Young monopolized parking spaces and obstructed the disabled from equal access to public businesses.
21. Plaintiffs had to relocate their personal residence as a direct result of public reaction to Defendants' false statements.
22. Plaintiff Deborah Blissick withdrew money from her retirement account to restart her business in a new location. Even after the relocation Defendants NJPen continued misrepresentations to sully Blissick and McBride's name and reputation.
23. Defendants NJPen blogged about the filing of Plaintiff's lawsuit against the Borough of Collingswood for violations of the Open Public Records Act, portraying Plaintiff in a negative light to chill McBride's participation through intimidation. (EX. B and C)

What
happened
to you?

Who did
what?

Was
anyone
else
involved?

Who else
saw what
happened?

25. Defendants NJ Pen refuse to remove the negligent misrepresentations or acknowledge his conflicts of interest. (Ex. C and D)
26. Defendants NJ Pen and Skoufalos conspired with non-party Christopher Ward of Collingswood, NJ to make this fake story.
27. Christopher Ward admitted hiding information from the police, not appearing on video where he swore he was on August 3, 2020, and had no proof of residence to prove he lived at the place from which he allegedly witnessed the August 3, 2020 event.
 - a. Plaintiffs elected to not name Ward as a Defendant herein because his wife publicly announced a battle with breast cancer.
28. Defendants NJ Pen failed to update his blogs to include all of Christopher Ward's self admitted misrepresentations and false sworn certifications despite their existence in the public domain.
29. Defendant can't pick and choose which public content he uses for a blog story. If he was really news, he has to report and update the public as to *all facts* and not just the ones that paint his friend in a favorable light.
30. Defendants NJ Pen engaged in this behavior because Defendant Blissick refused to advertise with Defendant NJPen.
31. Defendants NJ Pen wrote this article to protect the covert sale of illegal drugs at 577 Haddon Avenue, less than 1000 feet from a Collingswood School of which Skoufalos is "believed" to be a purchaser of illicitly obtained marijuana.
32. Defendant NJPen unlawfully published the Plaintiffs' names as they were both victims of crimes themselves. (Ex. A)
33. Defendants' NJ Pen intimidation of Plaintiffs violates Plaintiffs' rights as witnesses and victims of crimes against them for which probable cause established.
34. Plaintiffs were intimidated to speak with the government because of these repeated parking violations as a direct result of the threats received resulting from the misinformation contained in Defendant NJPEN's article (Ex A and Ex B)
35. Plaintiffs registered the copyrighted work effective April 2, 2023. (Ex. E)
36. Plaintiffs served a take down notice on Defendant Google, LLC on April 3, 2023.
37. Defendants NJPen received a DMCA take down notice from non-party Dream Host on April 2, 2023. Non-party Dream Host complied with the notice.
38. Defendants NJPen, and Google have continued to use a registered copyrighted work without permission and after being noticed. (Exhibit C and D)

IV. Injuries: If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if required and received.

1. As a direct result of Defendants' unauthorized use of a copyrighted image and false story, Plaintiffs were subjected to intense bullying and intimidation at their residence and the business of Plaintiff's wife. The Plaintiffs incurred costs to relocate their personal residence and the business owned by Ms. Blissick-McBride.
2. Plaintiffs suffered emotional distress and incurred the costs of therapists and medical doctors.
3. Plaintiffs were forced to pay money for legal representation to defend against the cyber bullying.
4. Plaintiff Debbie Blissick liquidated funds from her retirement account to give to her business for its rebuilding.

V. Relief: State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, ~~and~~ *basis for* such compensation.

1. Plaintiffs respectfully ask the Court to order Defendants, jointly and severally, to pay to the Plaintiffs the sum of \$150,000 for each impression of the copyrighted image displayed on the internet as *willful* violations of 17 USC 512
2. Plaintiffs seek legal fees and court costs to prosecute this action as allowed under the Digital Millennium Copyright Act and/or New Jersey Civil Rights Act.
3. Plaintiffs respectfully ask the Court to refer the Defendants to the United States Attorney for the District of New Jersey for *criminal* prosecution for this instance of violations of the DMCA.
4. In the alternative to statutory damages under the DMCA, Plaintiffs seek reimbursement of actual damages, specifically personal money they spent to restart Plaintiff Blissick's business entity and disgorgement of NJPen's ill-gotten gains.
5. In the alternative to statutory damages under the DMCA, Plaintiffs seek reimbursement for having to move due to the harassment caused by Defendants' statements.
6. In the alternative to statutory damages under the DMCA, Plaintiffs seek reimbursement of medical costs including costs of therapists
7. A permanent injunction against the Defendants requiring the stories to be removed and copyrighted images not used.
8. Any other relief the court deems just and proper

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 10th day of April, 2023

Signature of Plaintiff

Mailing Address 15 Seagarden Drive

Linwood, NJ 08221

Telephone Number (312) 672-2794

Fax Number (if you have one) _____

E-mail Address bf.mcbride@comcast.net

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint.

Signature of Plaintiff:

Deborah Blissick